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DRAFT MINUTES  
VIRGINIA OUTDOORS FOUNDATION  
QUARTELY MEETING OF THE BOARD OF TRUSTEES  
VIRGINIA DEPARTMENT OF FORESTRY  
CHARLOTTESVILLE  
JUNE 21, 2006 1:00 PM

Trustees present: Chairman, Ms. Kat Imhoff, presiding; Mr. Mark S. Allen; Mr. J. William Abel Smith; Dr. M. Rupert Cutler; Mr. Frank M. Hartz; Mr. Charles H. Seilheimer, Jr.; and Mr. Jeffrey K. Walker. VOF staff attending: G. Robert Lee, Executive Director; Ms. Tamara Vance, Deputy Director; Ms. Leslie Grayson, Deputy Director; Ms. Martha Little, Director of Stewardship; Ms. Trisha Cleary, Executive Assistant; Ms. Anna Chisholm, Finance Manager; Ms. Sherry Buttrick, Easement Manager; Ms. Ruth Babylon, Easement Specialist; Ms. Estie Thomas, Easement Specialist; Mr. Bruce Stewart, Easement Specialist; Ms. Faye Cooper, Easement Manager; Ms. Laura Thurman, Easement Specialist; Ms. Jennifer Perkins, Easement Specialist; Mr. Neal Kilgore, Easement Specialist; Ms. Sara Ensley, Human Resources Manager; Ms. Erin Wilson, Stewardship; Ms. Leslie Trew, Stewardship Specialist; and Kerry Hutcherson, Legal Intern. Also in attendance were Mr. Frederick S. Fisher, Special Assistant Attorney General; Ms. Sarah Richardson, DCR Land Conservation Officer; Mr. Rex Linville, Piedmont Environmental Council; and Mr. Todd Hochrein, Virginia Conservation Credit Exchange, LLC. At 2:00 p.m. David Hurt, Franklin County Board of Supervisors and Scott Martin, Franklin County Director of Economic Development joined the meeting. At 4:00 p.m. Kathleen Dooley, Fredericksburg City Attorney; Fredericksburg City Council members Billy Withers, Kerry Devine, and Matt Kelly; Fredericksburg Assistant Director of Public Works, Dave King; and Ridge Schuyler and Diane Frisbee of The Nature Conservancy joined the meeting.

Ms. Imhoff called the meeting to order at 1:00 p.m. After distributing information on the Land Trust Accreditation Commission, she called for introductions and public comments. There were no public comments and Ms. Imhoff asked if there were any changes to the order of business. Agenda items 1 through 10 were taken off of the Consent Agenda so each could be discussed. Ms. Vance announced that Franklin County officials would attend at 2:00 p.m. to discuss their PTF/PDR proposal. Ms. Imhoff told the group that the City of Fredericksburg easement proposal would be heard at 4:00 p.m.

Ms. Imhoff asked for any comments or amendments to the April 2006 minutes. Dr. Cutler moved that the minutes of the April 6<sup>th</sup> and 7<sup>th</sup> meeting of the Board be approved as presented. Mr. Hartz seconded and the motion passed unanimously.

Bob Lee presented his Executive Director's Report to the Board. He covered the conformed Senate and House Bill 5019 and the effects the Bill would have on the land preservation tax credit. He noted two major milestones on the agenda - transfer of ownership of Aldie Mill to the Northern Virginia Regional Park Authority and the City of Fredericksburg easement of 4,200 +/- acres protecting two of Virginia's most heralded rivers, the Rappahannock and Rapidan. He told the Board that VOF has reached the limits of program growth with currently available revenues with the FY2007 proposed budget. The boundary line dispute on the Bull Run Mountain

## DRAFT

property appears to be nearing a mutually acceptable resolution. He reported that staff will be working in close collaboration with the Office of the Attorney General, interested land trusts, and skilled easement attorneys to improve the VOF easement template and will bring proposed changes before the Board at its September 2007 meeting. He concluded by telling the Board that the Stewardship Program is now operating as a high performance component of the VOF integrated land conservation program.

In responding to concerns over the Senate and House Bill 5019, Mr. Lee read a draft of a letter the Board could send to Governor Kaine. After discussion, the matter was tabled to be discussed further at the end of the day.

Deputy Director Leslie Grayson reported on the Dominion/Allegheny Power Mt. Storm to Loudoun 500 kV transmission line proposed routes, both cut through multiple historic sites, conservation easements, publicly owned open spaces, several rural historic districts, and the Appalachian Trail in Fauquier, Loudoun, and Clarke Counties. The Board directed staff to communicate the affected easements to the State Corporation Commission.

Deputy Director Tamara Vance reported that VOF would be co-sponsoring with the Land Trust Alliance a training session on September 7<sup>th</sup> for interested local land trusts in the Appalachian Region. Ms. Imhoff encouraged Trustees to attend.

Martha Little, Deputy Director of Stewardship, reported that the stewardship training held in May was very successful and is planned to become an annual event.

Ms. Imhoff recognized David Hurt, Franklin County Board of Supervisors. Mr. Hurt spoke to the Board about the county's Preservation Trust Fund request saying that he hoped the funds could jump start the PDR program in the County. Scott Martin, Director of Economic Development, also spoke to the Board explaining that Franklin County is growing and the time to conserve is now. Ms. Imhoff thanked them both for taking the time to address the Board and noted that PTF projects would be discussed further on June 22.

The FY2007 Budget was considered next. Ms. Imhoff reported that the Audit and Personnel Committee of the Board met and reviewed each line item in the proposed budget. Mr. Lee recapped the proposed budget. After discussion, the Board requested that the Cabin Improvements line items be put on hold and that Leslie Grayson inspect and report on the condition of the Bull Run Mountain cabins at the next Board meeting. Dr. Cutler moved to approve the proposed FY2007 budget with the hold on cabin improvements, Mr. Walker seconded, and the motion passed unanimously. (See attachment #1.)

Mr. Lee then presented the Resolution to adopt the Memorandum of Understanding regarding Fort A. P. Hill. Dr. Cutler moved to approve the Resolution as presented, Mr. Allen seconded, and the motion passed unanimously. (See attachment #2.)

The Board decided to defer the vote on the transfer of the Aldie Mill to the next day to give members time to read the deed of transfer.

## DRAFT

Ms. Vance presented the revised PTF Staff Handbook pointing out the revised checklist and forms. She also requested that the Board approve the addition of language to accommodate escrow procedures common in most real estate transactions. Mr. Seilheimer asked that the 5<sup>th</sup> bullet of the resolution be amended to require a PTF brochure be sent to every interested easement donor. Mr. Seilheimer and Dr. Cutler will review and approve a redesigned PTF brochure. Mr. Allen moved to approve the Resolution as amended, Dr. Cutler seconded, and the motion passed unanimously. (See attachment #3.)

Ms. Vance also presented the request of Jesse J. Richardson, Jr. of Virginia Tech for \$2,500 to participate in a survey of VOF easement landowners. Mr. Hartz asked if stewardship questions could be added to the survey. Ms. Vance offered that the survey did not cover stewardship issues. She did not think they could be included because of the need to tie stewardship questions to a specific easement, whereas Tech survey questions require anonymity. Concern was expressed over the cost of the survey in the context of the VOF FY07 Budget. Citing concerns over both cost and timing, Mr. Hartz moved to deny the request, Mr. Abel Smith seconded, and the motion to deny passed unanimously. The Board allowed that a survey might be conducted at a later date when funds and stewardship activities allow. (See attachment #4.)

Ms. Imhoff called for a 15 minute break at 3:15 p.m. The meeting reconvened at 3:30 p.m. and Ms. Imhoff called for consideration of easement agenda item #1. Ms. Faye Cooper presented the Brooks property (#1) of 129 +/- acres in Bath County. The proposed easement allows no division of the property, one single family dwelling not to exceed 4,500 square feet, one secondary dwelling not to exceed 2,000 square feet (both within designated building envelopes), farm buildings not to exceed 4,500 square feet without VOF review, and a riparian buffer of 100 feet for the spring and pond on the property. Mr. Hartz moved to approve the easement as presented, Mr. Abel Smith seconded, and the motion passed unanimously.

Ms. Cooper presented the Cameron property (#2) of 167.66 acres in Augusta County. She explained that the proposed easement allowed no division, one single family dwelling not to exceed 4,000 square feet of enclosed above ground area, one secondary dwelling not to exceed 2,000 square feet of enclosed above ground area, a designated dwelling and building envelope, VOF review of farm buildings over 3,500 square feet, building set back from State Route 615 of 250 feet, and a building set back and forested buffer of 300 feet around the two sink hole ponds. She added that the set backs and building envelope would be defined in the easement before recordation. Mr. Allen moved to approve the easement as presented, Mr. Walker seconded, and the motion passed unanimously.

Laura Thurman presented the Ceola property (#3) of 242 +/- acres in Botetourt County. The proposed easement allows two parcels, each to be a minimum of 100 acres; each parcel is allowed one primary dwelling not to exceed 4,500 square feet of livable space, one secondary dwelling not to exceed 2,000 square feet, VOF review of farm buildings over 4,500 square ft; a buffer excluding livestock on Sukey Johnson Branch of 35 feet; a 200 foot no-build buffer around the sink holes; and no clear cuts larger than 20 acres at a time with four years between each new cut. She also said that the language to protect the cabin site was to be removed. Mr. Seilheimer moved to approve the easement as amended, Mr. Walker seconded, and the motion passed unanimously.

## DRAFT

Tamara Vance presented the Lacy property (#4) of 335 +/- acres in Patrick County. The proposed easement allow no divisions, one single family dwelling not to exceed 4,500 square feet, one secondary dwelling not to exceed 2,000 square feet, and riparian buffers of 100 feet on the North Fork and North Prong, headwaters of the Smith River - a designated Wild Trout Stream by the Virginia Department of Game and Inland Fisheries. She also reported that the landowner had agreed to more restrictive language to protect the trout streams. Mr. Seilheimer moved to approve the easement with the additional language to protect the trout streams, Mr. Allen seconded, and the motion passed unanimously.

Sherry Buttrick presented the McCarthy Family Trust property (#5) of 340.14 acres in Nelson County. The easement allows three parcels, three single family dwellings not to exceed 4,500 square feet with no willful demolition of the existing dwelling, three secondary dwellings not to exceed 2,000 square feet, VOF review of farm buildings exceeding 4,500 square feet, structures visible from the Virginia Blue Ridge Railway Trail built and sited to minimize visual impact, and no new dwellings within 750 feet of Route 665 to be visible from the road. Mr. Seilheimer moved to approve the easement as presented, Mr. Walker seconded, and the motion passed unanimously.

Ms. Buttrick presented the Payne property (#6), Hickory Hill Farm, of 398 acres in Goochland County. The proposed easement allows four parcels, four single family dwellings with no willful demolition of the existing historic house known as Hickory Hill; two secondary dwellings not to exceed 2,000 square feet to be located in close proximity to the main house, barn, stable, or other VOF approved site; no new dwellings within 500 feet of the road; riparian buffer of 100 feet with no construction of buildings, plowing, cultivation, or similar earth disturbing activity along the Little Byrd Creed, Peters Creek, and Mill Creek. She reported that the title on one parcel would not be ready until Thursday or Friday. Mr. Seilheimer moved to approve the easement as presented and Mr. Hartz seconded. Ms. Imhoff and Mr. Walker voted against approval due to there being no size limits on the primary single family dwellings. The motion passed with five Trustees voting in favor of the easement.

Bruce Stewart presented the Powers property (#7), Darvils, of 100 acres in Dinwiddie County. The proposed easement allows for no division, one existing single family dwelling not to exceed 3,500 square feet of above-grade enclosed space, one secondary dwelling not to exceed 2,000 square feet of above-grade enclosed space, VOF approval of farm buildings exceeding 2,500 square feet, forested or naturally vegetative riparian buffers of 50 feet on the property's perennial stream. Mr. Stewart also reported that the landowner had agreed to language identifying the perennial stream on the USGS map. Dr. Cutler moved to approve the easement as presented, Mr. Allen seconded, and the motion passed unanimously.

Ms. Buttrick presented the Rhodes property (#8) of 143.96 acres in Greene County. The proposed easement allows one existing single family dwelling, one existing secondary dwelling not to exceed 2,000 square feet, one guest or pool house not to exceed 1,000 square feet to be located in close proximity to the existing single family dwelling, VOF approval of farm buildings exceeding 4,500 square feet, no intensive agricultural uses requiring specialized structures exceeding 4,500 square feet, and a forested riparian buffer of 100 feet on the South

## DRAFT

River. Mr. Seilheimer moved to approve the easement contingent upon receiving a clear title report, Mr. Abel Smith seconded, and the motion passed unanimously.

Ms. Buttrick presented the Scott property (#9) of 404.98 acres in Nelson County. The proposed easement allows no division, one existing single family dwelling to remain on Tract II, if remodeled or replaced it may not exceed 2,000 square feet of livable space, the existing uninhabited, historic single family dwelling with no willful demolition and not to exceed 2,500 square feet of livable space if remodeled or enlarged, an additional single family dwelling on Tract I not to exceed 3,000 square feet, VOF review of farm buildings exceeding 4,500 square feet, a forested or naturally vegetated riparian buffer of 50 feet on the Tye River and 100 feet on the Buffalo River. Mr. Walker moved to approve the easement as presented, Mr. Allen seconded, and the motion passed unanimously.

Leslie Grayson presented the Stevens property (#10), The Maples, of 60 acres in Loudoun County. The proposed easement allows no division, existing primary dwelling, existing guest house, a garage apartment, no willful destruction of the historic structures, no enlargement or modification of existing structures without prior written VOF approval, and forested riparian buffers of 50 feet on both banks of Pantherskin Creek. Ms. Grayson reported that the Virginia Department of Historic Resources believes that the property is eligible for the Virginia Landmarks Register and is pleased that VOF will encourage the landowner to apply. Mr. Hartz moved to approve the easement as presented, Mr. Seilheimer seconded, and the motion passed unanimously.

Leslie Trew presented the City of Fredericksburg proposed easement (#14) of 4,232 acres in Spotsylvania, Stafford, Fauquier, Culpeper, and Orange Counties. The easement, if approved, would be held by the Virginia Outdoors Foundation, the Virginia Department of Game and Inland Fisheries, and The Nature Conservancy. Ms. Trew introduced Kathleen Dooley, City Attorney for Fredericksburg, who gave a presentation on the history of the easement and thanked the Virginia Outdoors Foundation and Ms. Trew for all of the hard work and perseverance required to make the easement a reality. Ms. Dooley introduced Ridge Schuyler of The Nature Conservancy who spoke to the Board about the baseline surveys that were conducted. Mr. Schuyler introduced Diane Frisbee who explained the equipment used on the survey. Ms. Dooley introduced Ms. Kerry Devine, City Council member, who spoke briefly and said that the City Council would hold a signing ceremony on Tuesday, June 27, 2006. Dr. Cutler moved for approval of the easement as presented, Mr. Abel Smith seconded, and the motion passed unanimously to a round of applause. Ms. Imhoff called for a short break for the signing of the easement and noted that this was the largest acreage easement in the VOF portfolio.

Ms. Imhoff reconvened at 4:40 p.m. and called for a discussion of the proposed draft letter to Governor Kaine. Ms. Imhoff felt it was important to let the Governor know the Board's initial reaction and reserve the right to comment further as events developed. Further edits were approved by acclamation and Ms. Buttrick and Mr. Fred Fisher were instructed to continue to work on the letter and present the final version for Board signature on Thursday.

Mr. Imhoff called for a closed session at 5:05 p.m. to discuss personnel matters as provided for in the Code of Virginia §2.2-3711 A. 1. At 5:35 p.m. Dr. Cutler moved to return to open session,

## **DRAFT**

Mr. Hartz seconded, and the motion passed unanimously. In a roll call vote certifying that only exempted business was discussed during the closed session Ms. Imhoff voted yes, Mr. Seilheimer voted yes, Mr. Walker voted yes, Mr. Allen voted yes, Dr. Cutler voted yes, Mr. Abel Smith voted yes, and Mr. Hartz voted yes.

Ms. Imhoff adjourned the meeting at 5:37 p.m. to be reconvened at 9:00 a.m. the following morning.



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JUNE 22, 2006 9:00 AM

Trustees present: Chairman, Ms. Kat Imhoff, presiding; Mr. Mark S. Allen; Mr. J. William Abel Smith; Dr. M. Rupert Cutler; Mr. Frank M. Hartz; Mr. Charles H. Seilheimer, Jr.; and Mr. Jeffrey K. Walker. VOF staff attending: G. Robert Lee, Executive Director; Ms. Tamara Vance, Deputy Director; Ms. Leslie Grayson, Deputy Director; Ms. Martha Little, Director of Stewardship; Ms. Trisha Cleary, Executive Assistant; Ms. Anna Chisholm, Finance Manager; Ms. Sherry Buttrick, Easement Manager; Ms. Ruth Babylon, Easement Specialist; Ms. Estie Thomas, Easement Specialist; Mr. Bruce Stewart, Easement Specialist; Ms. Faye Cooper, Easement Manager; Ms. Laura Thurman, Easement Specialist; Ms. Jennifer Perkins, Easement Specialist; Mr. Neal Kilgore, Easement Specialist; Ms. Sara Ensley, Human Resources Manager; Ms. Erin Wilson, Stewardship; Ms. Leslie Trew, Stewardship Specialist; and Kerry Hutcherson, Legal Intern. Also in attendance were Mr. Frederick S. Fisher, Special Assistant Attorney General; Ms. Sarah Richardson, DCR Land Conservation Officer; Mr. Rex Linville, Piedmont Environmental Council; Mr. Todd Hochrein, Virginia Conservation Credit Exchange, LLC, Mr. James Adams, Virginia Department of Game and Inland Fisheries; Ms. Jennie West, Wildlife Foundation of Virginia; Mr. George and Mrs. Ann Freeman; Mr. John E. Easter, II; and Mrs. Laura T. Easter.

Ms. Imhoff called the meeting to order at 9:00 a.m. She asked if there was any public comment, there being none, she asked if there were any changes to the order of business for the day. Ms. Perkins said that agenda item #21 should be deleted.

Ms. Imhoff encouraged Board members and staff to attend the LTA Rally in Nashville this year.

She thanked our dinner hosts, Rosie and Gro Merle-Smith.

Ms. Imhoff also announced that there may be a demand for additional meetings in the last half of the current calendar year. She asked that staff think about whether additional meetings of a half day or day in length would help move the easement approval process forward.

Ms. Imhoff asked everyone to introduce themselves and asked if there were any public comments. Rex Linville of the Piedmont Environmental Council reported that PEC had prepared an Action Alert on the General Assembly's proposed changes to the Land Preservation Tax Credit that essentially covered the points the Board discussed on Wednesday. He distributed the details of the votes on HB 5019 and the three failed floor amendments considered by the House of Delegates on June 20, 2006.

George Freeman reported that he had talked to Nikki Rovner in the Secretary of Natural Resources office and told her that the most negative aspect of the SB/HB 5019 was the overall

## DRAFT

dollar cap because it destroys the market for the sale of the tax credits making the credits available to only rich landowners who can get all the benefit they need from the tax deduction. This removes the incentive for the middle class landowners, who may be land rich, to give an easement to solve their estate planning problems. Mr. Freeman stated he felt that was the most socially significant aspect of the proposed Bill and told the Board he would be writing a letter to the Governor, too.

There being no further public comment, Ms. Imhoff called for consideration of the tabled resolution to transfer Aldie Mill to the Northern Virginia Regional Park Authority. Mr. Seilheimer said that he had a chance to read the Deed of Gift and he thought it was splendidly drawn. He moved for approval of the Resolution as presented, Dr. Cutler seconded, and the motion passed unanimously. (See attachment #5.)

Ms. Imhoff moved to the non-consent portion of the agenda saying that the Board would hear agenda items #16 and #17 out of order and would then hear the Fray proposal (#59).

Estie Thomas presented the Mary Hinton Crowther and Prosser Crowther properties (#16 and #17) of 102.33 and 83.75 acres respectively in Northumberland County. The 102.33 acre proposal allows for one division into two parcels which exceeds VOF Guidelines. Ms. Thomas recognized George Freeman, Esq., to speak to the Board regarding the two properties. Mr. Freeman showed a map with the Crowther properties marked on the Little Wicomico River. The properties were mostly surrounded by houses on one half to three acre lots. Ms. Imhoff asked if both easements allowed two parcels, two houses with size limitations and site review of any new permitted dwelling, and no secondary dwellings. Mr. Freeman said that was correct. Dr. Cutler moved to approve both easements as presented, Mr. Hartz seconded, and the motion passed unanimously.

Sherry Buttrick presented the Fray property (#59) of 631.5 acres in Madison County to be co-held with the Virginia Department of Game and Inland Fisheries (VDGIF). Ms. Buttrick explained that this property is under an existing easement co-held with the Wildlife Foundation of Virginia and the VDGIF. The Wildlife Foundation of Virginia wishes to assign its co-holding interest in this easement to the Virginia Outdoors Foundation. The Fray brothers will retain ownership of the 80 acres containing building potential and deed the remainder of the property to the VDGIF but there will be no merger of interests because the easement is an open space easement not an easement of right of way. Mr. Buttrick introduced James Adams of the VDGIF who joined the meeting. Ms. Buttrick explained that the proposed easement provides for an 80 acre area that can be divided into five parcels – a 60 acre tract that can be divided into three parcels and a 20 acre tract that can be divided into two parcels. She reported that the landowners ask that the easement be amended to allow one house per parcel for a total of five houses on the 80 acres building area. Mr. Adams said that VDGIF supported the proposed amendment. Ms. Buttrick recommended approval of the amendment to the easement with additional language that states VOF will not be obligated to pay legal fees and a provision that VOF and VDGIF will develop a memorandum of understanding to share monitoring responsibilities. Mr. Seilheimer moved to approve the amended easement as presented by staff, Dr. Cutler seconded, and the motion passed unanimously.



## DRAFT

Ms. Imhoff announced that agenda item #19 would be heard next to accommodate the landowners, the Easters. Estie Thomas presented the Easter property (#19) of 239.21 acres in Fluvanna County. Ms. Erin Wilson distributed a revised draft of the easement. Ms. Thomas pointed out the changes to the easement in the “Now, Therefore” clause, a change in the name of the property to “Upper Yewrs Farm”; under 1. TRASH, the phrase “except non-toxic biodegradable household waste” was added to the items permitted; under 4.a. MANAGEMENT OF FOREST, “minimal” was added to describe commercial timber harvesting (i.e., selective annual non-cumulative cuts of no more than 5% of trees exceeding 18” dbh) further defining the harvest allowed; under 4.b. RIPARIAN BUFFER, the minimum was changed to 100 feet; and under 6. BUILDINGS AND STRUCTURES, the addition of “one thousand (1,000) feet” describing the no build buffer on the James River. Mr. Seilheimer moved to approve the easement as amended, Mr. Abel Smith seconded, and the motion passed unanimously.

Laura Thurman presented the Buffalo Lumber Company, Goose Creek, property (#11) of 197.68 acres in Rockbridge County. She explained that the easement was on the non-consent agenda because it called for two parcels with one primary and one secondary on each parcel. She noted that there were size limitations and VOF siting approval on all dwellings. Mr. Hartz moved to approve the easement as presented, Mr. Seilheimer seconded, and the motion passed unanimously.

Ms. Thurman presented the Buffalo Lumber Company, Kirkley Farm, property (#12) of 298.47 acres in Rockbridge County. She said that the easement provided for VOF siting approval on all new dwellings, setbacks of 300 feet from the roads, and a no-plow riparian buffer of 35 feet on Hays Creek. Mr. Seilheimer moved to approve the easement as presented, Mr. Walker seconded, and the motion passed unanimously.

Ms. Thurman presented the Buffalo Lumber Company, Smiley Farm, property (#13) of 151.79 acres in Rockbridge County. The proposed easement allows two parcels, one primary dwelling on each parcel; one secondary dwelling on the larger 100 acre parcel; farm building review on buildings larger than 4,500 square feet on the large parcel and larger than 2,500 square feet on the small parcel; and a riparian buffer of 35 feet on Walkers Creek. Mr. Seilheimer moved that the easement be approved as presented, Mr. Allen seconded, and the motion passed unanimously.

Estie Thomas presented the Clay property (#15) of 50 +/- acres in King and Queen County. She explained that the proposed easement allowed no division, no structures except for a duck blind, no commercial timbering, and riparian buffers of 100 feet on the Dragon Run and on all wetlands and streams on the property. She reported that the landowner of the property is donating this easement in order to “link” two other VOF easements. Mr. Walker moved to approve the easement as presented, Dr. Cutler seconded, and the motion passed unanimously.

Ms. Thomas presented the Dent property (#18) of 131.62 acres in Albemarle County. The proposed easement allows two parcels, two primary dwellings of no greater than 4,500 square feet, two secondary dwellings of no larger than 2,000 square feet, all dwellings must be screened from view of Blufton Mill Road, VOF approval required on farm buildings of over 2,500 square feet, and forested riparian buffers on all streams. Ms. Thomas recommended approval of the easement with additional language granting VOF site review on all new dwellings. Mr.

## DRAFT

Seilheimer moved to approve the easement with addition of VOF site review, Mr. Walker seconded, and the motion passed unanimously.

Tamara Vance presented the Freeze property (#20) of 97 acres in Patrick County. She explained that the proposal was on the non-consent agenda due to the request of the landowners for a secondary dwelling on a little less than 100 acres. Ms. Vance said that she felt the conservation values of the property could be protected even with the 2,000 square foot secondary dwelling. Ms. Imhoff asked her to address the mining lease issue. Ms. Vance asked that approval of the easement be granted contingent on resolution of the mining rights issue. Mr. Hartz moved for approval with resolution of the mining lease issue, Mr. Walker seconded, and the motion passed unanimously.

Leslie Grayson presented the Gresham, Inc. property, Ruland Farm, (#22) of 115.21 acres in Loudoun County. She addressed concerns over the indoor riding arena allowed by the proposed easement. She explained that the indoor riding arena would be built in the same location of the existing riding ring and showed the Board photographs of the site. She recommended that the tree cover within 100 feet of the site be maintained for screening. Ms. Imhoff asked Ms. Grayson to address the impact of the viewshed of Stoke, a historic property under a VOF easement. Ms. Grayson showed a photograph of the existing tree cover and riding ring. Dr. Cutler moved to approve the easement with additional language protecting the tree cover around the riding site and Mr. Seilheimer seconded. Ms. Imhoff asked if the tree cover was enough or whether color would help protect the view from Stoke. Ms. Grayson said that because there is such good tree cover, the trees were more effective than a neutral color would be. Mr. Seilheimer asked if there was any problem of having both. Dr. Cutler amended his motion to include neutral color, Mr. Seilheimer seconded the amended motion, and the motion passed unanimously.

Ms. Grayson presented the Koral property (#23), Jordan River Farm, of 328.63 acres in Rappahannock County. She explained that the landowner wanted very much to have language in the easement that provided for current alternative energy technology as well as any future developments. Ms. Grayson presented the Board with amended language for paragraph 6 (vi) drafted in collaboration with Fred Fisher. She further explained that the easement contained riparian buffers on the Jordan River and perennial streams. The easement sets aside a no-build area of 130 acres with a provision allowing for fences and tent platforms within the “no-build” area in order to facilitate the continued use for environmental education. The landowner requested to add a simple rest room facility as a permitted structure within this no-build environmental education area. Mr. Seilheimer moved to approve the easement as amended, Dr. Cutler seconded, and the motion passed unanimously.

Ms. Grayson presented the Lee property (#24), Findings Farm, of 93.73 acres in Fauquier County. She said the attorney had used an old easement template and the Monitoring and Enforcement paragraph would be amended to track with the current VOF language regarding payment of VOF attorneys fees in case of a violation. She also reported that the Virginia Department of Historic Resources has approved of the “no willful demolition” language protecting the Sears Roebuck House. Mr. Walker moved to approve the easement with the amended Enforcement language, Mr. Allen seconded, and the motion passed unanimously.

## DRAFT

Laura Thurman presented the Roundtop, Inc. property (#25) of 63.1 acres in Rockbridge County. She offered two changes; the “vernal pool” should be changed to “Shenandoah Valley sink hole pond” (the Department of Natural Heritage will visit), no divisions permitted, and three dwellings not to exceed a total (for all three) of 3,200 square feet above-grade enclosed space. Ms. Thurman reported that Rockbridge County has a prior option to drill two test well sites for water and if they find enough flow, they have the right to buy a 100 foot by 100 foot area for a 10 foot by 10 foot pump house. The County would also have a right of way to the site of the pump house that will be unpaved. She said the test drilling should occur this summer. Both test sites are not visible from the road. The landowner will wait until the results of the test drilling are known before recording the easement. Mr. Seilheimer moved to approve the easement as amended, Mr. Walker seconded, and the motion passed unanimously.

Sherry Buttrick presented the Brown and The Community Foundation, Inc. property of Tuckahoe Point Farm (#26) of 301.63 acres in Goochland and Henrico Counties. The easement allows three parcels with forested or naturally vegetated riparian buffers of 100 feet for the James River and Tuckahoe Creek; building setbacks of 500 feet from the James River and 200 feet for Tuckahoe Creek; no paved roads without VOF approval; two additional boat ramps less than 10 feet wide; three single family dwelling (one existing) of not larger than 7,500 square feet; and four existing secondary dwellings. Mr. Hartz said that he was very familiar with the property and the homes in the neighboring area are 7,500 square feet and larger and moved to approve the easement as presented. Dr. Cutler seconded and the motion passed unanimously.

Faye Cooper presented the Vanderpool Gap Properties, LLC property of 366.11 acres in Highland County. She gave a little background on the history of the property saying that a number of years ago the property was purchased by a developer and had been rezoned for 5 acre lots. There was such an outcry from the community that the developer got discouraged and sold the property. The reason the proposal is on the non-consent agenda is due to the landowner wanting to retain the right to establish a church camp or retreat in the future. The landowner is requesting three parcels, two parcels not larger than 33 acres each and a large 300 acre parcel. Ms. Cooper recommended addition of a provision that the camp structures be built of a neutral or earth toned color if they are visible from the road. She said that the easement provides protection for the public with a set back of 500 feet from State Route 84 and a no-build zone above the 3,400 foot contour. Mr. Seilheimer moved to approve the easement with the additional provision for the camp structures, Mr. Allen seconded, and the motion passed unanimously.

Leslie Grayson presented the Westmoreland Davis Memorial Foundation, Inc. property of Belle Grove (#28) of 103.5 acres in Loudoun County. The easement defines two separate parcels; a 36.17 acre parcel that borders the entrance to Morven Park and a 67.33 acre parcel that has been consolidated from three existing parcels and contains Belle Grove. The easement allows no building or building rights on the 36.17 acre parcel. The 67.33 acre parcel contains Belle Grove and associated structures that may be repaired, renovated, or replaced in place. Ms. Grayson circulated revised language for Article 4 governing subdivision. Mr. Seilheimer moved for approval with the revised subdivision language, Mr. Allen seconded, and the motion passed unanimously.

## DRAFT

Estie Thomas presented the Wiegand property (#29) of 64.33 acres in Lancaster County. She explained the non-consent factors as the landowner's requests for temporary hoop style greenhouses and a canoe/kayak storage rack. She also said that this easement would extinguish 18 platted building lots on the property. Mr. Walker moved to approve the easement as presented, Dr. Cutler seconded, and the motion passed unanimously.

Faye Cooper presented the Zunka/McNeal property (#30) of 63.46 acres in Warren County. The landowner wanted to retain the rights for subsurface mining and a commercial wireless communications tower if out of sight of the Skyline Drive with VOF approval. The landowner is also willing to add language to the Management of Forest clause that prevents clear cutting except for small wildlife openings. She said she was going to recommend that the landowner insert maintain a scenic forest and improve wildlife habitat as the objectives of the forest management plan. Mr. Hartz asked if Warren County had a cellular location plan and Ms. Cooper said that she didn't know. Dr. Cutler asked what potential minerals would be on the property that could be mined in the future. Ms. Cooper said that she was unaware of any such minerals but the landowner wanted to keep all of his options open. Mr. Seilheimer said that he didn't care if there was subsurface mining on the property as long as it was not visible to anyone, not only the Skyline Drive. Ms. Cooper replied that the landowner was agreeable to that. Ms. Imhoff added that subsurface mining would make more sense on larger acreage but could not support subsurface mining on 63 acres and would not support the proposed easement with the subsurface mining language. The Board decided to table this easement to give Ms. Cooper time to contact the landowner regarding the mining rights and cell tower provisions. Ms. Imhoff called for a five minute break.

Ms. Imhoff reconvened the meeting with the Under 50 Acre portion of the agenda. Ms. Estie Thomas presented the Joslin property (#32) of 8.52 acres in Albemarle County. She said that the landowners had requested a secondary dwelling but her recommendation was to disallow the secondary due to the small acreage. Ms. Imhoff asked about the commercial forestry language and Ms. Thomas said that would be taken out. Ms. Imhoff asked if this easement also had the temporary outdoor activities language allowing 100 people not to exceed seven days. Ms. Thomas thought that it was better to have that language in to prevent a Woodstock type event. Ms. Imhoff thought the 100 people would be too many for an 8 to 10 acre parcel. Mr. Seilheimer moved approval of the easement with the removal of the commercial forestry language, eliminate the secondary dwelling, and removal of the 100 people language in the Industrial or Commercial Activities clause. Dr. Cutler seconded and the motion passed unanimously.

Faye Cooper presented the Lynx Properties, Inc. property (#33) of 10 acres in Warren County. She said that the owners would not have a problem with the removal of the temporary outdoor activities language. Mr. Hartz moved to approve the easement with the removal of the temporary outdoors activities language, Mr. Abel Smith seconded, and the motion passed unanimously.

Estie Thomas presented the Woodruff property (#34) of 10.1 acres in Albemarle County. She recommended removal of the commercial timbering and temporary outdoor activities language. Mr. Allen moved to approve the easement with the recommended changes, Mr. Walker seconded, and the motion passed unanimously.

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Tamara Vance presented the Geller property (#31) of 45.75 acres in Giles County. She said that the landowners were requesting an additional secondary dwelling not to exceed 600 square feet and to be built within 100 feet of the main house. She explained that because of the terrain that none of the dwellings are visible from public road. She added that the number of lots extinguished would be approximately 16 and not the 44 or 22 lots described on the easement proposal sheet. Dr. Cutler moved for approval, Mr. Allen seconded, and the motion passed unanimously.

Ms. Imhoff asked Ms. Vance to present the resolution to change Preservation Trust Fund policy regarding cost-only projects. Ms. Vance explained that the Board approved a motion to allow the PTF Committee to approve cost over runs of \$1,000 or less at the April 6<sup>th</sup>, 2006, meeting. She asked that, due to the administrative difficulties of convening committee meetings, the resolution be changed to “up to \$1,000 of necessary and appropriate VOF conservation easement costs over pre-approved amounts may be reimbursed at the discretion of the ~~PTF Committee~~ Executive Director after consultation with the members of the PTF Committee.” Mr. Abel Smith moved to approve the resolution as amended, Dr. Cutler seconded, and the motion passed unanimously.

Ms. Vance distributed a chart of PTF projects in process. Ms. Imhoff stated that the Board would first review and approve the proposed PTF easements in two categories, cost only and purchase, and then discuss and approve the requested funds.

Tamara Vance presented the proposed easement for the Abundant Dawn Community property (#35) of 70 +/- acres in Floyd County. She distributed revised alternative energy language to be moved from section 8. Industrial or Commercial Activities to section 7. Buildings and Structures. Dr. Cutler moved the easement be approved as amended, Mr. Allen seconded, and the motion passed unanimously.

Estie Thomas presented the Eddie Lee Collawn property (#38) of 193.06 acres, the Marvin Collawn property (#39) of 166.43 acres, and the Robert Collawn property (#40) of 76.09 acres in Essex County. She explained that all three proposed easements may differ in acreage but the terms are exactly the same. Mr. Seilheimer moved for approval of all three easements, Mr. Abel Smith seconded, and the motion passed unanimously.

Tamara Vance presented the proposed easements for the Collins properties (#41 and #42) of 56 and 42 acres respectively in Russell County. Mr. Seilheimer moved for approval of both easements as presented, Dr. Cutler seconded, and the motion passed unanimously.

Faye Cooper presented the proposed easement for the Buchanan property (#36) of 236 acres in August County. She explained that the landowner wanted to have the right for one poultry house not to exceed 42,000 square feet should his heirs find it necessary. Mr. Hartz moved to approve the easement as presented, Mr. Abel Smith seconded, and the motion passed unanimously.

Estie Thomas presented the proposed easement for the Davey property (#44) of 294.23 acres in Albemarle County. She said that this easement is an Albemarle County Agricultural



## DRAFT

Conservation Easement (ACE) project and had been initiated under VOF's old guidelines. The easement allows three parcels but extinguishes 19 development rights. Ms. Thomas recommended approval with size limitations and site review on the allowed dwellings. Mr. Seilheimer reported that he had visited the property and it is magnificent and very well farmed. He also agreed that VOF needed site review of the dwellings and a limit of 4,500 square feet for the primary dwellings and 2,500 square feet for the secondary dwellings. Mr. Hartz agreed with VOF site approval but expressed concern over restricting new primary dwellings to 4,500 square feet due to the project cost of a divided parcel. Ms. Imhoff worried that PTF funds were going to be used for an easement that did not meet VOF Guidelines. Ms. Imhoff suggested amending the easement to require site approval on any new dwellings and size restriction of 2,000 square feet on secondary dwellings. Mr. Hartz moved that the easement be approved with site review on all dwellings and a size restriction of 2,000 square feet on the secondary dwellings. Dr. Cutler seconded and the motion passed unanimously.

Faye Cooper presented the proposed easement for the Clemmer property (#37) of 100 +/- acres in Augusta County and recommended approval. Mr. Seilheimer moved to approve the easement as presented, Mr. Hartz seconded, and the motion passed unanimously.

Laura Thurman presented the Good Earth Family Limited Partnership (FLP) property (#45) of 55 acres in Frederick County. She explained that the proposed easement contained "no demolition" language to protect the existing dwelling of 1,978 square feet for sentimental reasons and allowed a secondary dwelling with the total above grade enclosed space for both dwellings not to exceed 5,000 square feet. Mr. Allen moved the easement be approved as presented, Mr. Walker seconded, and the motion passed unanimously.

Ms. Thurman presented the second Good Earth FLP property (#46) of 64 acres in Frederick County. Mr. Hartz moved to approve the easement, Mr. Walker seconded, and the motion passed unanimously.

Bruce Stewart presented the Graham property (#47) of 337.4 acres in Powhatan County. Mr. Seilheimer moved to approve the easement, Mr. Walker seconded, and the motion passed unanimously.

Faye Cooper presented the Green property, Evergreen Farm, (#48) of 186 acres in Frederick County. Mr. Hartz moved to approve the easement, Mr. Walker seconded, and the motion passed unanimously.

Laura Thurman presented the Hasfurther property, Hickory Hill, (#49) of 174 acres in Rockbridge County. She reviewed new information regarding the landowners desire to construct an apartment in the existing carriage house/stable of 1,023 square feet with no changes to the footprint or the outward appearance of the building but allowing installation of appropriate windows. The landowner is also requesting an additional secondary dwelling with the combined total square footage for all secondary dwellings not to exceed 2,000 square feet within the defined building envelope. She also reported that the Department of Historic Resources has approved this property for listing on the Virginia Landmark Register and would like to co-hold the easement with VOF. Ms. Thurman asked that the Board approve the easement with either



## DRAFT

the Valley Conservation Council or the Virginia Department of Historic Resources as the co-holder of the easement. Ms. Seilheimer moved to approve the easement as amended and with optional co-holders, Mr. Hartz seconded, and the motion passed unanimously.

Tamara Vance presented the Ingram property (#50) of 120 acres in Craig County. Mr. Walker moved to approve the easement as presented, Dr. Cutler seconded, and the motion passed unanimously.

Faye Cooper presented the Kolb/Holaday property (#51) of 26.5 acres in Botetourt County. The landowner requests three parcels, one of which will be no more than 10 acres. The property also has an existing winery building which will not exceed 1,200 square feet if enlarged and a shooting range structure which will not exceed 250 square feet. The landowner also requests a one-acre family cemetery that will not be considered a division. Dr. Cutler moved to approve the easement as presented, Mr. Abel Smith seconded, and the motion passed unanimously.

Sherry Buttrick presented the Loving property (#52) of 358.2 acres in Fluvanna County. Mr. Seilheimer moved to approve the easement, Mr. Walker seconded, and the motion passed unanimously.

Tamara Vance presented the Poole property (#53) of 125 acres in Grayson County. She explained that the Board had seen this easement before; the difference is that the landowner has changed the configuration of the land to add a set back from the road of 1,000 feet for the new primary dwelling. She recommended approval of the easement with an amendment for the defined location of the primary dwelling. Mr. Hartz moved to approve the easement as amended, Mr. Walker seconded, and the motion passed unanimously.

Ms. Imhoff proposed that the Board consider the cost-only PTF requests, break for discussion of the Board's letter to the Governor, and consider the PTF purchase projects after lunch.

After discussion, the cost-only PTF funds to be authorized and considered as a block were as follows:

#35	Abundant Dawn Community	\$6,600
#36	Buchanan	\$4,350
#37	Clemmer	\$7,850
#41	Collins 1	\$5,000
#42	Collins 2	\$5,000
#45	Good Earth FLP	\$4,659
#46	Good Earth Too FLP	\$5,159
#47	Graham	\$8,000
#48	Green	\$6,500
#49	Hasfurther – Hickory Hill	\$4,450
#50	Ingram	\$5,500
#51	Kolb/Holaday	\$8,500
#52	Loving	\$8,000
#53	Poole (an additional \$500 for a total of)	\$3,250

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#55 Hutzler

\$4,500

Tamara Vance presented the Hutzler proposed easement (#55) for the Board's reconsideration to comply with the newly adopted PTF Handbook. She explained that the landowner had considered requesting the right for commercial kennels and an ultra light airstrip but had decided to delete them from the original easement approved by the Board in December 2001. The landowner has also reduced the number of requested secondary dwellings to one, two had been approved. Dr. Cutler moved to approve the easement as amended, Mr. Walker seconded, and the motion passed unanimously.

Mr. Seilheimer moved to approve the PTF cost-only projects (as listed above), Dr. Cutler seconded, and the motion passed unanimously.

Ms. Imhoff asked Board members to review the proposed letter to Governor Kaine regarding the Land Conservation Tax Credit Bill (SB/HB 5019). Mr. Lee read the proposed letter. After discussion, the Board decided to add a request to the Governor to "restore the ability of schools and other non-profit organizations to transfer tax credits".

Ms. Imhoff called for a brief recess. The meeting reconvened to consider the PTF purchase projects.

Estie Thomas presented the requests of the Collawn easements (#38, #39, and #40). She reported that since the Board package was sent out, the actual appraisals had been completed. She also said that she had talked with Barry Harris, Manager of the Federal Farmland Protection Program of NRCS, and learned that more funds were available for these projects. As a result the requests for PTF funds had changed to half of the original request for each or \$257,500 for all three, plus any cost for the environmental impact study. Dr. Cutler moved to approve up to \$300,000, Mr. Walker seconded, and the motion passed unanimously.

Ms. Imhoff called for consideration of the County of Franklin request for funds to start a Purchase of Development Rights (PDR) program. Dr. Cutler spoke in favor of granting the request. Mr. Hartz agreed but thought that the grant should be lowered. Ms. Vance offered four conditions for dispersal of funds: 1) payment of funds tied to specific projects with financial need preferred, 2) projects must meet VOF Guidelines for density of buildings, 3) funds would revert to VOF if not expended within two years, and 4) the county would co-hold the easements with VOF. Mr. Hartz said that he supported the concept but was concerned that every county in the Commonwealth would apply for funds and the PTF would be depleted. He suggested that Franklin County serve as a pilot project. Mr. Walker moved to approve \$100,000 for the Franklin PDR program subject to the four conditions offered by Ms. Vance, Dr. Cutler seconded, and the motion passed with Mr. Abel Smith, Mr. Allen, and Mr. Walker voting against due to their concern about setting a precedent.

Estie Thomas presented the Albemarle County ACE request (#44). Albemarle County had requested \$131,500, twenty-five percent (25%) of the easement value plus the cost of the appraisal. Mr. Seilheimer moved to approve the request due to the market demand in the area,

## DRAFT

the cost of property in the area, and the number of development rights extinguished. Dr. Cutler seconded and the motion passed unanimously.

The approved PTF purchase projects were as follows:

#38, 39, & 40	Collawn (up to)	\$300,000
#43	County of Franklin	\$100,000
#44	Albemarle County ACE Davey Project	\$131,500

Ms. Imhoff asked Faye Cooper to report on her conversation with the landowner of proposed easement #30, Zunka/McNeal. Ms. Cooper said that the landowner agreed to give up the telecommunications tower but still wanted to retain his mineral rights. He would agree to language granting VOF site approval of any future subsurface mining operations to assure no visual impact from the Skyline Drive. Dr. Cutler moved to approve the easement minus the telecommunications tower and subsurface mining rights, Mr. Walker seconded, and the motion passed unanimously.

Tamara Vance presented the Hammond property (#54) of 88 acres in Roanoke County for reconsideration. The landowner wants to retain the right for a boundary line adjustment as requested by Blue Ridge Parkway, a new road, and special language to assure possible transfer of the property to the National Park Service. Dr. Cutler moved for approval of the easement as amended, Mr. Walker seconded, and the motion passed unanimously.

Ms. Vance presented the McIver property (#56) of 196.01 acres in Carroll County for reconsideration. This easement was approved at the April Board meeting with the provision that VOF have review and approval of any primary dwelling over 4,500 square feet and any secondary dwelling over 2,000 square feet. The landowner would prefer a 200 foot set back from State Route 768 for all buildings and structures and a provision for all dwellings to be constructed with materials that blend with the surrounding environment. Ms. Imhoff asked that a requirement be added that no clear cutting of the forest within the 200 foot set back from the road. Dr. Cutler moved to approve with the no clear cutting within the set back language added, Mr. Hartz seconded, and the motion passed unanimously.

Laura Thurman presented the Riley Farm easements (#57 & #58) of 320 and 84 +/- acres respectively in Augusta County for reconsideration. Ms. Thurman reported that when she relayed the Board's request for siting approval of all dwellings, the landowner offered a 200 foot set back from State Route 708. Ms. Thurman also said that the farm is virtually flat and there is no way to screen a dwelling from the road. She recommended that the easement be approved with no set back or siting review. Mr. Walker moved to approve the easements as presented, Mr. Allen seconded, and the motion passed unanimously.

Ms. Imhoff addressed the issue of approving easements with language allowing farm buildings of less than 4,500 square feet with no limit on the overall number allowed. She expressed a desire for this to be addressed in VOF's easement template language with cumulative square footage. Mr. Lee reported that the staff is currently working on revised template language and will bring a revised template for Board consideration in September.

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Ms. Imhoff then asked to Board to think about the possibility of having to meet more frequently if the workload warrants.

Mr. Lee read the final version of the letter to Governor Kaine regarding House and Senate Bills 5019 and each Board member signed. See attachment #7.

Ms. Imhoff asked if there was any new or old business, there being none, asked if there was a motion to adjourn; Mr. Walker so moved and the meeting was adjourned at 1:30 p.m.

Respectfully submitted,

Patricia A. Cleary  
Executive Assistant

A RESOLUTION TO ADOPT THE FISCAL YEAR (FY) 2007 VIRGINIA  
OUTDOORS FOUNDATION BUDGET

WHEREAS, the fiscal year for the Virginia Outdoors Foundation (VOF) is 1 July through 30 June; and

WHEREAS, a fiscal year Budget is developed and adopted to provide planning and program guidance to the VOF Board of Trustees and the VOF Management Team; and

WHEREAS, Budget calculations are developed from the best available information before the commencement of a new fiscal year; and

WHEREAS, line items in the budget are for planning and program allocation purposes and actual expenditures may vary from adopted Budget projections as long as total expenses do not exceed available funds; and

WHEREAS, the Executive Director, in consultation with other members of the VOF Management Team and the Audit and Personnel Committee, has prepared and submitted a Proposed Budget for Fiscal Year 2007; now, therefore, be it

RESOLVED by the Virginia Outdoors Foundation Board of Trustees this 21st day of June 2006, That the VOF Budget for Fiscal Year 2007 be, and is hereby, adopted as follows:

ADOPTED by a vote of 7 in favor and 0 against.



ATTEST:

G. Robert Lee, Executive Director

**A RESOLUTION TO ADOPT THE MEMORANDUM OF UNDERSTANDING  
AMONG:**

**U.S. ARMY, FORT A.P. HILL  
U.S. ARMY ENVIRONMENTAL CENTER  
THE NATURE CONSERVANCY  
THE TRUST FOR PUBLIC LAND  
THE CONSERVATION FUND  
THE VIRGINIA OUTDOORS FOUNDATION  
THE U. S. FISH AND WILDLIFE SERVICE**

WHEREAS, the U.S. Army Garrison at Fort A.P. Hill (FAPH) and surrounding lands, especially those among the Rappahannock River to the east of FAPH, represent a largely rural area of Virginia and contain a number of important wildlife habitats and natural areas, including large, relatively un-fragmented forestland, expansive tracts of tidal freshwater marshes, and acidic seepage swamps; and

WHEREAS, this landscape supports nationally significant occurrences of animal and plant communities, including five federally listed threatened and endangered species; and

WHEREAS, the relatively rural and undeveloped nature of the area helps maintain FAPH's ability to provide a robust and flexible military training environment; and

WHEREAS, the profound and accelerating population growth and associated development in close proximity to FAPH and the Rappahannock River threatens the region's natural areas, wildlife habitats, and rural character and poses a direct threat to the continued viability of FAPH; and

WHEREAS, the participating organizations and agencies represent a broad spectrum of land managers and land conservation organizations and share a dedication to sustainable resource management; and

WHEREAS, the participating organizations and agencies share a commitment to protect from incompatible development those lands around FAPH and in the nearby Rappahannock River Valley that are critical to the long term viability of intact natural areas and the training environment at FAPH; and

WHEREAS, the participating organizations and agencies have developed a Memorandum of Understanding (MOU), which is entered into for the purpose of enhancing cooperation and communication and increasing the efficiency and effectiveness of regional conservation efforts around Fort A.P. Hill by establishing the Fort A.P. Hill Working Group (Conservation Working Group); and



**DRAFT**

WHEREAS, the Virginia Outdoors Foundation Executive Director, in consultation with other members of the Conservation Working Group, has assisted in the drafting of a MOU; now, therefore, be it

RESOLVED by the Virginia Outdoors Foundation Board of Trustees this 21<sup>st</sup> day of June 2006, That the MOU for the FAPH and Conservation Working Group be, and is hereby, adopted as follows:

ADOPTED by a vote of 7 in favor and 0 against.



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ATTEST:

G. Robert Lee, Executive Director

A RESOLUTION TO ADOPT THE OPEN SPACE LANDS PRESERVATION TRUST  
FUND STAFF HANDBOOK and OTHER RELATED POLICIES

WHEREAS, the Open Space Lands Preservation Trust Fund (hereinafter "OSLPTF") was created by the General Assembly in 1997 (10.1-1801-1804); and

WHEREAS, VA CODE 10.1-1801.1, E. directs the Virginia Outdoors Foundation to "establish guidelines for submittal and evaluation of grant applications"; and

WHEREAS, a written manual is appropriate and warranted; and

WHEREAS, other policy clarifications have been discussed by staff and the PTF Committee of the Board of Trustees; now therefore, be it

RESOLVED by the Virginia Outdoors Foundation Board of Trustees, this 21st day of June 2006, That the Draft OSLPTF Staff Handbook is hereby adopted; and be it

RESOLVED FURTHER, That the following program policies are adopted, to wit:

- Information on the OSLPTF program shall be made available to all potential easement donors regardless of income.
- Information on the OSLPTF program shall be publicized on the VOF website.
- Priority for purchase grant funding shall be focused on County PDR programs but not to the exclusion of individual landowner applications.
- VOF staff shall disseminate information to all counties about OSLPTF funds availability.
- Contingent on funds availability, an amount of \$200,000 shall be reserved from OSLPTF funds at all times to support priority funding for Cost Only applications.
- OSLPTF grant funds shall be considered uncommitted and reverting to the Fund if the easement is not recorded within the VOF "sunset" policy timeframe.
- The OSLPTF grant administrator will be the VOF Financial Manager who shall be guided by the OSLPTF Handbook for grant procedures.

ADOPTED by a vote of 7 in favor and 0 against.

  
\_\_\_\_\_  
ATTEST:

G. Robert Lee, Executive Director

## Virginia Outdoors Foundation

- ☐ 203 Governor Street, Suite 317, Richmond, VA 23219  
(804) 225-2147 FAX (804) 371-4810
- ☐ 1010 Harris Street, Suite 4, Charlottesville, VA 22903  
(434) 293-3423 FAX (434) 293-3859
- ☐ Post Office Box 322, Aldie, VA 20105  
(703) 327-6118 FAX (703) 327-6444  
Aldie Mill: (703) 327-9777 FAX (703) 327-0082
- ☐ 11 East Beverly Street, Staunton, VA 24401  
(540) 886-2460 FAX (540) 886-2464
- ☐ Blacksburg Office  
(540) 951-2822 FAX (540) 951-2695



*Encouraging the preservation of open space*

[www.virginiaoutdoorsfoundation.org](http://www.virginiaoutdoorsfoundation.org)

Memorandum:

To: VOF Trustees

From: Tamara Vance, Deputy Director 

Re: Cooperative Survey of VOF Easement Landowners with Virginia Tech

Date: June 1, 2006

In 2003, as many of you remember, VOF cooperated with Virginia Tech professor, Jesse Richardson to conduct a survey of VOF easement landowners. An article summarizing the results of that survey is attached. It showed that landowners with income from agriculture ("real" farmers) and lower/middle income rural landowners were participating in the easement program in larger numbers with the state tax credit in place. I believe the survey has been helpful in the public policy debate concerning the tax credit.

The survey also revealed very "high marks" for VOF staff working with easement donors. VOF staff and Mr. Richardson presented the results of the survey to a session at the 2004 Land Trust Rally, in Providence, Rhode Island, and two articles were published about the results.

Because the 2003 survey was conducted only the first year after the tax credit became transferable, it is now desirable to repeat the survey. Attached is the slightly revised survey form for your consideration.

A RESOLUTION TO TRANSFER OWNERSHIP AND STEWARDSHIP OF THE  
ALDIE MILL PROPERTY LOCATED IN ALDIE, VIRGINIA TO THE NORTHERN  
VIRGINIA REGIONAL PARK AUTHORITY

WHEREAS, on June 24, 2003, the Virginia Outdoors Foundation Board of Trustees unanimously approved a proposal to transfer ownership and stewardship of its Aldie Mill property located in Aldie, Virginia to the County of Loudoun; and

WHEREAS, as of March 2006, transfer of ownership of the Aldie Mill to Loudoun County had not occurred; and

WHEREAS, Loudoun County would not insure to the Virginia Outdoors Foundation Board of Trustees that the Mill would continue as a historic site and that limits would be placed on commercial applications; and

WHEREAS, the Virginia Outdoors Foundation Board of Trustees agreed not to transfer ownership of the Aldie Mill to another entity without the guarantee in writing that the Mill would continue as a historic site and limits would be mandated for commercial application; and

WHEREAS, the Northern Virginia Regional Park Authority has shown a strong interest in preserving and protecting the Aldie Mill; and

WHEREAS, the Northern Virginia Regional Park Authority would like to continue operating the Aldie Mill as a historic site and limit commercial applications; and

WHEREAS, a Deed of Transfer between the Virginia Outdoors Foundation and the Northern Virginia Regional Park Authority has been drafted and reviewed by the Attorney General's Office; now, therefore, be it

RESOLVED by the Virginia Outdoors Foundation Board of Trustees this 22<sup>nd</sup> day of June 2006, That the resolution to transfer ownership and stewardship of the Aldie Mill located in Aldie, Virginia to the Northern Virginia Regional Park Authority be, and is hereby, adopted.

ADOPTED by a vote of 7 in favor and 0 against.



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ATTEST:

G. Robert Lee, Executive Director

A RESOLUTION TO CHANGE PRESERVATION TRUST FUND POLICY  
REGARDING COST-ONLY PROJECTS

WHEREAS, the Open-Space Lands Preservation Trust Fund (PTF) permits landowners with financial need to consider conservation easements to the Virginia Outdoors Foundation (VOF) for the benefit of the present and future citizens of the Commonwealth of Virginia; and

WHEREAS, the VOF Board of Trustees authorized the PTF Committee to approve PTF cost-only project overages of \$1,000 at the April 6, 2006, Board meeting; now, therefore, be it

RESOLVED, by the Board of Trustees of the Virginia Outdoors Foundation, in meeting assembled this 22<sup>nd</sup> day of June 2006, That the PTF cost-only program costs be, and are hereby, authorized as follows:

Up to \$1,000 of necessary and appropriate VOF conservation easement costs over pre-approved amounts may be reimbursed at the discretion of the Executive Director after consultation with the members of the Board's PTF Committee.

ADOPTED by a vote of 7 in favor and 0 against.

ATTEST:

  
\_\_\_\_\_  
G. Robert Lee

# Virginia Outdoors Foundation

Charlottesville Office  
1010 Harris Street, Suite 4, Charlottesville, VA 22903  
(434) 293-3423 FAX (434) 293-3859

[www.virginiaoutdoorsfoundation.org](http://www.virginiaoutdoorsfoundation.org)



*Encouraging the preservation of open space*

The Honorable Timothy M. Kaine, Governor  
The Capitol  
Richmond, Virginia 23219

June 22, 2006

Dear Governor Kaine,

The Virginia Outdoors Foundation Board of Trustees feels a responsibility to advise you of the great danger posed to the Commonwealth's land preservation efforts by the amendments proposed by the June 19<sup>th</sup> Senate/House Bills # 5019. Since the Land Preservation Tax Credit was adopted in 1999, more land has been protected with easements than in the previous thirty-five years. The Tax Credit is largely responsible for this success, and it has done so at a very economical cost per acre.

We are heartened by your strong support for land conservation. We look forward to helping you achieve the 400,000-acre land conservation goal that you set for your Administration. Virginia's ability to meet this goal, and its land preservation obligation under the Chesapeake Bay Agreement of 2000 is, however, at great risk if Senate/House Bills #5019 become law as presented. No research has been done to determine the likely effect of the provisions of these bills on Virginia's land preservation program. We therefore urge you to veto them. Should this not be possible, we respectfully request that you amend those bills to:

1. Eliminate the statewide aggregate program cap. Approximately \$130 million in land preservation credits have been registered for 2004. To slow this excellent conservation momentum by imposing an arbitrary cap of \$50 million in calendar year 2007 and \$75 million in subsequent years as proposed in these bills is likely to have a profound and potentially fatal effect on future donations of easements. No prudent individual could then use tax credits as a part of financial planning, not knowing when the credits would be available.
2. Eliminate the disparity in how lands within and outside the Chesapeake Bay watershed or seaside of Northampton or Accomack Counties are treated. This distinction will alienate many Virginia landowners by relegating their conservation easement donations to 'second class' status. We feel that a secondary review of any transaction exceeding \$2.5 million of Virginia tax credits, regardless of location, is a fairer and more prudent approach.

Trustees: Katherine L. Imhoff, Chairman, Albermarle; Mark S. Allen, Fairfax; J. William Abel Smith, Fauquier;  
Dr. M. Rupert Cutler, Roanoke; Frank M. Hartz, Goochland; Charles H. Seilheimer, Jr., Orange; Jeffery K. Walker, Northampton



**DRAFT**

3. Remove the penalty for owners of historic open-space that prohibits the use of both the historic tax credit and the land preservation credit on the same property.
4. Restore the ability of schools and other non-profit organizations to transfer tax credits.

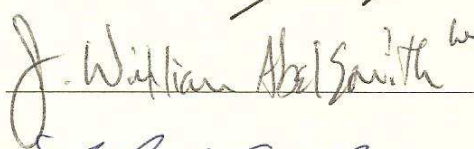
There are other provisions of the proposed bills that will also have significant, if unintended, negative consequences for Virginia's hugely cost-effective land conservation program.

Virginia's land preservation tax credit is among the most effective land protection tools in the nation. You have rightly pledged to "protect it from political and meddlesome" limitations and have set the goal of adding 400,000 new acres by the end of your term. To allow passage of this legislation in its current form would surely guarantee that these important goals of the Kaine Administration will go unmet.


Sincerely,

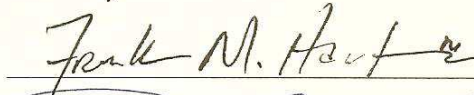
Board of Trustees, Virginia Outdoors Foundation

 Katherine L. Imhoff, Chair

 J. William Abel-Smith, Trustee

 Mark S. Allen, Trustee

 M. Rupert Cutler, Trustee

 Frank M. Hartz, Trustee

 Charles H. Seilheimer, Jr., Trustee

 Jeffrey K. Walker, Trustee

cc: The Honorable Robert S. Bloxom, Secretary of Agriculture and Forestry  
The Honorable L. Preston Bryant, Jr., Secretary of Natural Resources